

After reviewing the record and considering the arguments of the parties, the Appeals Board finds that the July 24, 1996, Order of Administrative Law Judge Nelsonna Potts Barnes should be affirmed.

Claimant suffered a compensable injury to his cervical spine on March 3, 1995, while working for respondent Universal Products, Inc. He underwent a cervical discectomy at C4-5 on August 3, 1995. While recovering from that surgery claimant was so stiff he was unable to sleep lying down. He slept, instead, in a rocking chair. Getting up from that rocking chair he injured his low back. The Appeals Board finds the low back injury compensable on the basis of the medical opinions of Dr. Blake C. Veenis stating that claimant would not have sustained the low back injury except for the neck injury and his having to sleep in that chair as a result of the neck injury. Dr. Michael P. Estivo also states, in his opinion, the low back and left leg condition is a direct result of claimant's work-related accident or the medical treatment provided to remedy that work-related accident. On the basis of those opinions, the Appeals Board agrees with and affirms the decision by the Administrative Law Judge granting the medical treatment and temporary total disability benefits.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the preliminary hearing Order entered by Administrative Law Judge Nelsonna Potts Barnes dated July 24, 1996, should be, and the same is hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of November 1996.

BOARD MEMBER

c: David H. Farris, Wichita, KS
Douglas D. Johnson, Wichita, KS
Nelsonna Potts Barnes, Administrative Law Judge
Philip S. Harness, Director